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DG 001
Patterson Q. 4

Q: What evidence did the Department use in deciding that Argentina, Chile, (Korea), Paraguay, and Uruguay do not evidence a consistent pattern of gross violations of internationally recognized human rights?

A: ARGENTINA

The military government, which took power in 1976, inherited a situation of near civil war. The volume of severe human rights violations was greatest in the period just before and for two years after the military take over. Whereas thousands of persons disappeared in the years 1976-1978, the number of confirmed disappearances had dropped to 44 by 1979 and to 12 last year. There have been no confirmed disappearances since last August.

Prisoners held under the National Executive Power (PEN) on other than common criminal charges have been reduced through release or trial to under 900 today from over 8,000 in 1977; in 1980 about 900 were released; 84 persons have been released from PEN in the past two months alone. We are aware of three reports of torture this year and one case of abduction and subsequent murder.

The judicial branch in Argentina has recently asserted its autonomy through decisions making it clear that the holding of PEN prisoners is subject

ARGENTINA PROJECT (S200000000)
U.S. DEPT. OF STATE, A/RPS/RPS
Margaret P. Grafeld, Director
☒ Release ☐ Excise ☐ Deny
Exemption(s):
Declassify: ☐ In Part ☐ In Full
☐ Classify as ☐ Extend as ☐ Downgrade to
Date _____ Declassify on _____ Reason _____

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to judicial review on a case-by-case basis and through a Supreme Court order that lower courts investigate disappearances more fully. The legal profession as a whole is operating more securely than in the past.

The Argentine Government has usually facilitated the efforts of various groups and individuals seeking to investigate allegations of human rights abuse. In late 1978, the Argentine Government invited the Inter-American Human Rights Commission to visit Argentina. That visit took place in 1979. Argentina is cooperating with the United Nations Commission on Human Rights and its working group on disappearances. The International Committee of the Red Cross maintains an active program in Argentina, with government approval, on behalf of imprisoned persons. Argentina files regular reports with the International Labor Organization's Committee on Trade Union Freedom.

In March, the Labor Ministry authorized four unions to hold elections after approving their statutes. The government has initiated a dialogue with civilian political leaders aimed at legislation which would permit resumed political party activity. Last December, the government revoked a decree barring the Jehovah's Witnesses from religious practice. Freedom of speech and of the press continues to expand with extensive comments made on sensitive topics such as human rights and the political reorganization process.

Patterson Q. 6

Q: At various points in their testimony on July 21, the State Department witnesses referred to "terrorism" in conjunction with their explanations of human rights problems in these four Latin American countries. Please explain the relationship and the imputed justification for governmental activity in this area.

A: It is a government's obligation to take effective measures against terrorist activity, itself a violation of human rights. These measures include action by the authorities to deter and bring to justice those who wish to destroy public order by force. The valid criticisms that have been directed against the Governments of Argentina, Chile, and Uruguay over the past ten years are that the methods employed against actual or alleged terrorists were excessive, that they were frequently taken without any due process, and that those affected included many who were not terrorists but simply political opponents.

Patterson Q. 6A

Q: Does the State Department believe that official gross human rights violations of this type (that occurred in Argentina in 1976-78) are acceptable responses to terrorist incidents? Is the State Department suggesting that any or most of the thousands of people abducted or held without trial during this period were guilty of terrorist acts?

A: The State Department does not believe that "official gross human rights violations" are ever acceptable responses to terrorist incidents. While some of the persons abducted or held without trial in Argentina in the period 1976-78 were involved in terrorist activities, many were not, and we are clearly opposed to arbitrary arrests and detentions.

Patterson Q. 9B

Q: Why the discrepancy between State's and AI's reports of recent disappearances in Argentina?

A: Until this year, the term "disappearances" was generally used to mean persons who were seized by security forces and never reappeared. Human rights organizations normally did not list persons as "disappeared" until they had been missing for several months. This is the sense in which State Department human rights reports have used the term. Others use the term to describe any arrest which is not immediately made public, even if, as has been the case in Chile since 1977 and in Argentina since last year, the arrested persons subsequently reappear.

Reuss Q. 3

Q: What other means of expressing approval for improvements in human rights conditions in the Southern Cone countries were considered?

A: The Administration seeks to improve relations with Argentina, Chile, Paraguay, and Uruguay in support of all U.S. interests, including human rights. We have undertaken a number of initiatives. With respect to Chile, the Administration has resumed Ex-Im Bank eligibility and has extended an invitation to participate in the UNITAS naval exercise this year. With respect to Argentina, we have requested to Congress to repeal the legislative prohibition on arms sales (Humphrey-Kennedy Amendment). In taking these steps, the current state of human rights in these countries was one of the factors considered. The decision to vote in favor of MDB loans for the four countries was not taken in lieu of other measures, but rather on its own merits and in light of the human rights improvements that have occurred.

Hall Q. 3

Q: Which international organizations were used as references in the recent human rights evaluations made by the Administration with respect to Chile, Argentina, Paraguay, and Uruguay?

A) When preparing human rights evaluations, the Department reviews the reports of the sessions of the United Nations Human Rights Commission, as well as those of the Inter-American Human Rights Commission. As appropriate, it also refers to the reports of Amnesty International, Freedom House, and groups more narrowly focused on specific countries or issues.

Hall Q. 4

Q: What are the justifications for the conclusion that Chile, Argentina, Paraguay, and Uruguay all have experienced virtually simultaneous improvements within a short period with respect to human rights conditions?

A: The Department has not concluded that improvements in the human rights situation in those countries have been simultaneous, nor do we conclude that these improvements have occurred in a short period of time. Rather, the improvements began at different times, and have taken place over varying periods of time. The improvements in Chile began in 1976, in Uruguay in 1977, in Paraguay in 1978, and in Argentina in 1978-79. Whereas the U.S. voted no on MDB loans for Argentina and Uruguay in 1977 and for Paraguay in 1978, it only abstained on all non-basic human needs loans for those countries thereafter. Nevertheless human rights conditions continued to improve, leading to the shift to positive votes this past July. In the case of Chile, a change in voting policy was delayed largely by the Letelier/Moffitt assassinations.

Q: In what way did the Administration arrive at the conclusion that the law permits affirmative votes in the development banks when "improvements" have been made in countries previously considered gross violators of internationally recognized human rights?

A: Section 701(a) of the International Financial Institutions Act of 1977 as amended calls for the United States to use its voice and vote in the MDBs to "advance the cause of human rights." The U. S. has opposed MDB loans for some countries because of an overall assessment of their human rights records, and because of our view that such votes in those cases would promote the advancement of human rights. The U. S. never formally determined that any country was one whose government engaged in a consistent pattern of gross violations, however.

In implementing this provision, the administration must assess the situation prevailing in a given country at the time a loan comes before an MDB. Previous opposition to a country's loan request does not automatically mandate continued opposition. The human rights situation in the particular country is assessed in the light of the situation prevailing at the time the loan request is considered. This administration believes that it is consistent with the legislative call to use its voice and vote in the MDBs to "advance the cause of human rights" to recognize improvements in a given country, even though some human rights problems may remain, in order to motivate continued improvement in that regard. In the recent instances questioned by this committee, the administration determined that human rights could be better promoted by affirmative votes than by continued opposition.